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In re Application of

APR 02 2007

Naizer, et al.

**OFFICE OF PETITIONS**

Application No. 10/724,409

: DECISION ON PETITION

Filed: November 26, 2003

:

Attorney Docket No. DN2003

This is a decision on the petition under 37 CFR 1.137(b), filed March 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

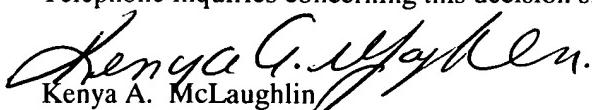
The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 27, 2005, which set a shortened statutory period for reply of three (3) months. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the statutory period. Accordingly, the application became abandoned on October 28, 2005. A Notice of Abandonment was mailed on March 6, 2006.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner=s duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The "Response to First Action" filed March 19, 2007, is noted.

The application is being forwarded to Technology Center 3600, GAU 3672 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

  
Kenya A. McLaughlin

Petitions Attorney  
Office of Petitions